

NORTH CAROLINA GENERAL ASSEMBLY  
SENATE REDISTRICTING COMMITTEE

---

TRANSCRIPT OF THE PROCEEDINGS

---

In Raleigh, North Carolina  
Thursday, February 18, 2016  
Reported by Rachel L. Hammond, CVR-M

Worley Reporting  
P.O. Box 99169  
Raleigh, NC 27624  
919-870-8070

<p>1 (Reporter's note: Proceedings in this matter 2 began at 11:17 a.m. on February 18, 2016.) 3 SEN. RUCHO: We have the Senate Redistricting 4 Committee come to order. Will the members please take 5 their seat. We also have included all members of the 6 Senate be able to be at this meeting, and actually 7 members that are not on the committee can submit 8 amendments following the same rules as been 9 established. 10 First step, let's introduce our 11 Sergeant-at-Arms. I've got Jim Hamilton, Larry 12 Hancock, and Steve McKay. Thank you, folks. And, 13 again, thank you to staff, Ms. Churchill and the staff. 14 I know this has been a monumental task in a very short 15 period of time, and it has been running very 16 efficiently and effectively. And I thank you, and I 17 applaud all of the hard work that you are doing. We're 18 not done yet, so let's get it done. 19 All right. Members of the Committee, I think 20 it probably would behoove us to be sure that we have a 21 roll call of the members of this committee in 22 attendance. Can we do that, Mr. Clerk? 23 CLERK: Senator Ruch. 24 SEN. RUCHO: Aye. 25 CLERK: Senator Apodaca.</p>	<p>1 CLERK: Senator Smith-Ingram. 2 Senator Ford. 3 SEN. FORD: Present. 4 CLERK: Senator Wade. 5 SEN. WADE: Here. 6 CLERK: Senator Wells. 7 SEN. WELLS: Here. 8 SEN. RUCHO: Okay. Now, members of the Senate 9 that are not on this committee that are present, would 10 you please identify yourself, starting with Senator 11 Curtis, and then come across. Please put your name on 12 the floor so that we can take note of the other members 13 that are here. 14 SEN. CURTIS: Senator Curtis. 15 SEN. PATE: Pate. 16 SEN. RABON: Rabon, Brunswick. 17 SEN. GUNN: Gunn. 18 SEN. JACKSON: Jackson, Mecklenburg. 19 SEN. ALEXANDER: Alexander, Wake County. 20 SEN. BARRINGER: Barringer. 21 SEN. TARTE: Tarte. 22 SEN. SOUCEK: Soucek. 23 SEN. WADDELL: Waddell, Mecklenburg County. 24 SEN. RUCHO: All right. Do we have any other 25 members here?</p>
<p>3</p>	<p>5</p>

1 website for all members to be able to have the same 2 information. 3 SEN. MCKISSICK: Absolutely. 4 SEN. RUCHO: Okay. Staff, you've got that? 5 Okay. Then let's do the next thing. There is -- in 6 the packet that members received during the Select 7 Committee -- Joint Select Committee, we gave a copy of 8 the contingent map. We gave a stat pack, a code so 9 that the stat pack can be interpreted, and a criteria. 10 Make sure you have all four of those items and if 11 not -- first of all, the members that were not here 12 yesterday, can you raise your hands so the 13 Sergeant-at-Arms can deliver you that stat pack? 14 Keep your hands up, please, so that we can make 15 sure that everybody has that information. 16 SEN. BLUE: Mr. Chair, when you say members, do 17 you mean members of the committee or all members? 18 SEN. RUCHO: Any member. I hope the rest of 19 you all did a little better than Senator Apodaca who 20 happened not to bring his. 21 All right. We're going to make sure that 22 everybody has this information. Senator Jackson. 23 SEN. JACKSON: Mr. Chairman, I've got 24 everything but the criteria. 25 SEN. RUCHO: Okay. Well, we will give you a	6	1 considered unconstitutional. As one might think, when 2 one district or two districts have to be redrawn, it is 3 a rippling effect that will affect the entire state, 4 and that's why you have a map of the entire state. And 5 any amendments that come forward have to include the 6 entire state map. 7 Now, what I'm going to do is recognize 8 Representative David Lewis who explained the map and 9 the criteria yesterday, and I'm going to ask him to do 10 the same thing for every member now. Some of it will 11 be a repeat, and there's nothing wrong with having 12 another chance to listen to a very good presentation. 13 Representative Lewis, welcome to the Senate 14 Redistricting Committee, and I'm going to let you have 15 the microphone to present the 2016 Contingent 16 Congressional Plan. And, again, if you don't mind 17 explaining what "contingent" would mean in this case. 18 REP. LEWIS: Good morning, Mr. Chairman. Good 19 morning, members. Thank you for the opportunity to 20 stand before you this morning and to present this 21 information that comes from the Joint Select Committee 22 on Congressional Redistricting. 23 Pursuant to the instructions from the Chair, I 24 begin my remarks by saying that the proposed map that 25 we're going to review today, that I'm going to do my	8
1 copy of the criteria. Would you just raise your hand? 2 And is Senator Jackson the only one without the 3 criteria? No, we've got a few folks. All right. 4 We're not in any rush. Make sure that everybody gets 5 the information. 6 And, please, you're getting this information. 7 I hope that everybody will please bring that to the 8 session so that we don't have to -- have to reproduce 9 these items again, Senator Apodaca. 10 Does everybody have the information requested? 11 Okay. Then let's go ahead, and we will begin this 12 meeting and the first agenda item and that is -- first 13 of all, we are here in a special session and in this 14 case, Senate Redistricting Committee to review maps 15 that were -- we call the 2016 Conditional -- excuse me, 16 Contingent Congressional Maps, and they have been 17 proposed and reported into the General Assembly from 18 the select committee after yesterday's meeting and 19 final vote. 20 This map has been -- and the entire process has 21 been required of us so that we can meet the 22 requirements of the three-judge panel from the Middle 23 District who found the enacted maps, and specifically 24 CD 1 and CD 12, unconstitutional. They believed that 25 the use of race was predominant and, therefore, was	7	1 best to explain today, is being drawn in compliance 2 with the court order issued in the aforementioned case. 3 It is still our belief that the 2011 maps as enacted 4 will ultimately be upheld, and that is the reason that 5 all of this discussion is on the Contingent 6 Congressional Plan or the so-named Contingent 7 Congressional Plan. I will do my best in presenting 8 this to refer to this plan as the Contingent Plan and 9 the map that has been found unconstitutional by the 10 court in Greensboro as the Enacted Plan. 11 May I begin, Mr. Chairman? 12 SEN. RUCHO: Yes, sir. Please begin. 13 REP. LEWIS: Thank you, Mr. Chairman. Members 14 of the Senate, on February 16 the Joint Select 15 Committee on Congressional Redistricting met and 16 adopted seven criteria for the drawing of the 2016 17 Contingent Congressional Redistricting, and a map was 18 produced using those criteria. While I am happy to 19 take corrections -- to take questions from the 20 committee at the direction of the Chair, I would first 21 like to take a moment to walk through the criteria and 22 discuss, generally, how the map addressed each of 23 these. 24 The first criteria is equal population. All of 25 the districts are drawn with either 733,499 total	9

10	12
1 persons or 733,498 total persons. This is as equal as 2 practicable and in accordance with federal law. 3 An additional criteria was contiguity. All of 4 the areas in every district are comprised of contiguous 5 territory. 6 Another criteria was political data. The stat 7 reports that have been presented to each of you 8 reflects which election results were used in building 9 these districts. Race was not considered and is not 10 present on the reports presented to the Committee. 11 Partisan advantage was another consideration. 12 We believe this map will produce an opportunity to 13 elect 10 Republican members of Congress. But make no 14 mistake in that regard, this is a weaker map than the 15 enacted plan. 16 Additional criteria was the 12th District. 17 This map does away with the serpentine nature of the 18 12th District which dates back to 1992. 19 Compactness was another criteria. It is very 20 important to point out that only 13 counties and 13 21 voting districts, or VTDs, are split in this map. In 22 accordance with the criteria, more whole counties and 23 more whole precincts are the best indicator of 24 compactness we believe to be available. 25 An additional criteria was incumbencies. Only	1 That being said, members of the committee, I 2 will start entertaining questions through the Chair. 3 Senator Ford. 4 SEN. FORD: Thank you, Mr. Chairman. The 5 question is for Representative Lewis. 6 SEN. RUCHO: Yes, sir. 7 SEN. FORD: You made a comment as it relates to 8 that. These districts -- the new districts that -- 9 congressional districts that were redrawn are more 10 competitive than the ones that were previously drawn. 11 Can you help me with the data to justify that claim and 12 give me an example of such a -- an example of what you 13 articulated by making them more competitive in this 14 regard? 15 REP. LEWIS: Thank you for that question, 16 Senator. In all candor, I can answer that. I do not 17 have the enacted map political data with me. I may 18 need to ask staff to provide that to me and with your 19 permission to come back to that. I would only point 20 out that the political data that was provided to the 21 Committee in the form of a stat pack will show the 22 various races that we used. And unfortunately, I don't 23 know off the top of my head. For instance, if we want 24 to look at the 11th District, I don't know how many 25 votes for Pat McCrory were cast in the 2012 governor's
11	13

14	16
1        time? 2        SEN. BROWN: Mr. Chairman. 3        SEN. RUCHO: Hold on. 4        SEN. BROWN: Mr. Chairman. 5        SEN. RUCHO: Excuse me, Senator Ford, before we 6        get into complete answer to your question, I'm going to 7        have Representative Lewis go through the stat pack how 8        the code works so that the members that weren't here 9        early on, like yourself, understand how that is 10       there -- how it has been put together. It may help you 11       in understanding that. And then we'll follow-up your 12       question either how that would help answer your 13       question, and if we don't, then we'll find an answer to 14       your question. Thank you. 15       Representative Lewis, would you go through the 16       code so that each member will be able to identify which 17       races to be looking at in dealing with the election? 18       REP. LEWIS: Yes, sir, Mr. Chairman. 19       Mr. Chairman and members of the Senate, if I could 20       direct your attention, all of you should have been 21       given a document that looks like this. It says 2016 22       Redistricting Database Field Key. And, Mr. Chairman, I 23       would like this to be a part of the committee record. 24       If you'll notice this list which elections we looked 25       at. At the Chair's direction, I'll go through briefly,	1        for AG in 2008. That name was Crumley, C-R-U-M-L-E-Y. 2        And you can see that both of those names, again, appear 3        on the key. You'll notice that the raw votes for 4        Crumley in the first district as drawn were 68,474. 5        The percentage of the vote cast was 20.53 percent. 6        Going on at the direction of the Chair, you'll 7        notice the next column says EL08G_AG Total. That is 8        simply the total votes that were cast in that race. 9        The next column is ELOG_AD_D. That means this 10       is the raw vote total for the votes that were cast for 11       the State Auditor. The Democrat in the first district 12       received 233,665. The name that would be associated 13       with that would be Wood. The corresponding percentage 14       is in the next column. And then the raw vote of 93,433 15       would be the result for the Republican. His name was 16       Merritt, M-E-R-R-I-T-T. 17       With the Chair's permission, I will speed up 18       unless directed to slow down. 19       SEN. RUCHO: Step on the gas. Now that 20       everyone has a beginning idea, they should be able to 21       flow pretty closely with this, correct? 22       REP. LEWIS: Yes, sir. Thank you, Mr. Chairman. 23       Members of the Senate, continuing on, that column also 24       includes the race that has CA. CA stands for 25       Commissioner of Agriculture. You'll notice the
15	17
	1        hopefully with the aid of Senator Woodard, how this 2        corresponds to this chart. 3        If you will turn, please, to the first area in 4        the stat pack, you will notice in the left corner it 5        reads "Election Results 2008 General AG, AD, CA." It 6        should be the first page in the packet that has a whole 7        lot of numbers on it. 8        Let me start, if I could, by directing your 9        attention to the columns. You will see the first 10       column says District. That obviously is the 11       Congressional District as drawn in the contingent plan. 12       The next column as you see there says -- is 13       labeled EL08G_AG_D. What that means, and is very 14       consistent across the entire plan, this is the gross, 15       the raw votes that were cast for the Attorney General 16       candidate that was the Democratic nominee in 2008. So 17       that would correspond to be Cooper, C-O-O-P-E-R. 18       If you look to the third column, you will 19       see -- the third column of the row that corresponds 20       with District one lists a percentage 79.47. That is 21       showing that the percentage of the raw vote that 22       Attorney General Cooper received was 79.47 in that 23       district. 24       The third column is labeled EL08G_AG_R. This 25       would be the raw votes cast for the Republican nominee

	18	20
<p>1        results. You'll notice it has an underscore GV for 2        Governor. There was a Democratic, Republican, and 3        Libertarian nominee as well. Also, on the right 4        one-third of the page it has an underscore LG. That is 5        for Lieutenant Governor. There was a Democrat and a 6        Republican nominee for that office as well.</p> <p>7        The next page. Election Results 2012 General 8        AD, CA, and CL [sic]. Again, this would correspond to 9        your guide. For 2012 the AD is the Auditor, the CA is 10      the Commissioner of Agriculture, and the CI is 11      the Commissioner of Insurance.</p> <p>12      Turning to the next page. This is the election 13      results for the general election in 2012 for the 14      Commissioner of Labor and the Secretary of State. 15      You'll notice that there were both Democratic and 16      Republican nominees and their corresponding votes 17      recorded.</p> <p>18      The next page is entitled Election Results 2012 19      General SPI and TR. This would be the 2012 results for 20      the Superintendent of Public Instruction and for the 21      Treasurer. There were both Democratic and Republican 22      votes recorded for these races.</p> <p>23      The final page reads 2014 General USS United 24      States Senate. Again, there are results. I will point 25      out a slight change in the way this report looks. For</p>	<p>1        believed to be what the Court felt would probably be 2        fair evaluation since both race and party affiliation 3        was not included in this. Representative Lewis, were 4        there any elections that was felt was not appropriate 5        to be used by the Court in regards to determining 6        election results?</p> <p>7        REP. LEWIS: Mr. Chairman, we read into the 8        report that while we stated to the Court that we used 9        the 2008 race for President, the Court wrote that they 10      considered that a proxy, basically a proxy for race 11      since the nominee was an African American. So we 12      elected not to use the 2008 or the 2012 race for 13      President.</p> <p>14      SEN. RUCHO: Thank you. All right, let's go 15      forward then, and I think I saw Senator Blue raise his 16      hand. Senator Blue, for a question.</p> <p>17      SEN. BLUE: Thank you. Representative Lewis, I 18      understand you to say that you didn't use the 19      presidential numbers in 2008 because it is your reading 20      of the opinion that because of the race of the 21      presidential candidate it was a proxy for race if you'd 22      use that?</p> <p>23      REP. LEWIS: That is what I said, sir. Yes, 24      sir.</p> <p>25      SEN. RUCHO: For follow-up.</p>	
<p>1        whatever reason the Republican is listed first and the 2        Democrat second, and there is also a Libertarian that 3        was in this race.</p> <p>4        Mr. Chairman, this concludes my explanation 5        unless directed further.</p> <p>6        SEN. RUCHO: Great, thank you very much. 7        Members of the committee and members of the Senate that 8        are in attendance, does that help as far as you 9        understanding the data pack?</p> <p>10      Let's go back to Senator Ford. Senator Ford, I 11      assume that this helps in having you better understand 12      what is there?</p> <p>13      SEN. FORD: Thank you.</p> <p>14      SEN. RUCHO: Okay. I appreciate your 15      indulgence, and thank you, Representative Lewis.</p> <p>16      And I've got Senator Brown had a question 17      earlier.</p> <p>18      SEN. BROWN: Mr. Chairman, I was going to try to 19      help Senator Ford. I just wanted to point out to him 20      that in '08 for Attorney General, that Attorney General 21      Cooper won every single one of these districts in '08. 22      So that would help as far as competitiveness goes in 23      those districts.</p> <p>24      SEN. RUCHO: All right. The stat pack that is 25      before you, ladies and gentlemen, reflects what was</p>	<p>1        SEN. BLUE: Further question. You indicated 2        that the offices that you did use were those listed. 3        Did you use the race in the Lieutenant Governor's race 4        in 2012?</p> <p>5        REP. LEWIS: Yes, sir. And to speak to the 6        difference in those two as I understand them, the Court 7        specifically listed the race for President, which is 8        why we elected to exclude it.</p> <p>9        SEN. BLUE: Follow-up.</p> <p>10      SEN. RUCHO: Follow-up.</p> <p>11      SEN. BLUE: And the candidate, one of the 12      candidates for Lieutenant Governor was an African 13      American woman, and the statistics show that she won in 14      the three districts that you've created, the Democratic 15      districts, and none of the Republican districts.</p> <p>16      REP. LEWIS: I would need to review that, 17      Senator Blue. Certainly the nominee in 2012 was an 18      African American woman, yes, sir.</p> <p>19      SEN. RUCHO: I think in that case, Senator 20      Blue, running for President versus running for 21      Lieutenant Governor, there is a little bit higher 22      profile on the Presidential side, so I think that is 23      probably what the Court was looking at. Okay.</p> <p>24      SEN. BLUE: In my district the Senator is the 25      highest profile.</p>	

	22		
1	SEN. RUCHO: I'm sorry?	1	SEN. RUCHO: I'll be clear, the criteria that
2	SEN. BLUE: In my district NC Senate is the	2	Representative Lewis has submitted is the criteria that
3	highest profile.	3	was used to draw the maps, and probably that's as much
4	SEN. RUCHO: Well, then I guess we'd expect you	4	as we need to know. Okay. Thank you, have you got an
5	to be there forever, don't we?	5	additional question?
6	REP. LEWIS: Mr. Chairman.	6	SEN. MCKISSICK: Yes.
7	SEN. RUCHO: All right. Representative Lewis.	7	SEN. RUCHO: Go ahead.
8	REP. LEWIS: Mr. Chairman, if I may only to	8	SEN. MCKISSICK: Now, in terms of the partisan
9	further expound on my answer to Senator Blue. We have	9	advantage that was identified as a criteria, of course
10	noticed over time that the highest participation rate	10	that was identified, and it was passed by the
11	in voting is usually for the President as well. I	11	committee. I was wondering why there was a 10-3 split
12	don't know if this is a correct term to use or not. It	12	when if you look at the registrations of Democrats,
13	is a term that I have used because I can understand it.	13	Republicans, and unaffiliated voters in North Carolina
14	There is usually -- even if it's slight, there's a down	14	it would suggest, perhaps, that division ought to be
15	ballot drop-off. So that's a further distinguishing	15	different. And if we look at the fact that back in
16	factor between the race for Lieutenant Governor and the	16	2012, for example, of the candidates running for
17	race for the Presidency.	17	Congress, the Democratic candidates received more total
18	SEN. RUCHO: Good. Okay. I've got Senator	18	votes than Republicans but ended up with only three
19	McKissick.	19	seats. I mean, what is -- how was the determination
20	SEN. MCKISSICK: Just a couple of questions,	20	made that we should have a 10-3 split in devising this
21	Representative Lewis.	21	map? When perhaps, based upon voter registration and
22	SEN. RUCHO: Following they're through the	22	voting trends, even using patterns from races which
23	Chair.	23	have been identified here, it was suggested that
24	SEN. MCKISSICK: Sure, absolutely, Mr. Chair.	24	perhaps a greater number of seats in districts should
25	Could you identify any consultants or persons that	25	have been carved out for Democrats.
	23		
1	provided assistance in drawing these districts, either	1	SEN. RUCHO: Representative Lewis.
2	individually or collectively, that you looked to for	2	REP. LEWIS: Thank you, Mr. Chairman. Thank
3	assistance in preparing this map?	3	you for the question. Senator, to try and fully
4	SEN. RUCHO: I don't think that's relevant to	4	respond to your question, the first part of your
5	the -- Senator McKissick.	5	question is we believe that voting patterns are better
6	SEN. MCKISSICK: Yes.	6	indicators than voter registration. So we did not
7	SEN. RUCHO: We're talking about the maps and	7	actually use voter registration in drawing these maps.
8	how they're drawn and all of the stat packs. I don't	8	The second part of your question, why did we
9	think that question is relevant to the decision as to	9	attempt to achieve a 10-3 congressional map draw is
10	whether you will vote for or against the map. Thank	10	that was the criteria that was openly debated and
11	you, that is the decision of the Chair.	11	adopted by the 2016 Joint Select Interim Committee.
12	SEN. MCKISSICK: A follow-up question for the	12	SEN. MCKISSICK: Last follow-up, Mr. Chair.
13	Chair. I see. I just think it is highly relevant to	13	SEN. RUCHO: Follow-up.
14	know who the consultants were and where they were	14	SEN. MCKISSICK: And that's simply this,
15	located so they could be identified as a part of the	15	obviously there's Supreme Court decisions that use the
16	record. Particularly since it has been indicated that	16	term "communities of interest" as a valid criteria in
17	race was not one of the criteria that was used in	17	drafting these types of congressional district maps.
18	developing the maps here at the General Assembly. I	18	Was there a specific reason why it was not one of the
19	don't know if perhaps consultants that might have been	19	identifying criteria that was adopted -- at least
20	used might have used databases outside of the General	20	proposed and adopted by the committee? Since it is a
21	Assembly where, say, race and other considerations	21	valid criteria underneath cases decided by the United
22	might have been used in helping to draft the map that	22	States Supreme Court, why would we want to disregard
23	is before us.	23	that as a criteria for us trying to draw maps since
24	SEN. RUCHO: Senator McKissick.	24	there is certainly advantages in grouping people into
25	SEN. MCKISSICK: Yes.	25	districts based upon common collective interests,

26	28
1       whether they be urban, whether they be rural, maybe 2       they be of a certain sector of the economy. Perhaps if 3       you could help me with why that criteria might have 4       been omitted. 5       REP. LEWIS: Thank you for the question, 6       Senator. If I may, perhaps with a two-part answer. 7       The first is, as you recall because you served on the 8       committee, and we appreciate your time that you gave to 9       the effort, the Committee did consider adding 10      communities of interest as a criteria to draw the map. 11      I did not support that attempt to add the criteria 12      because I feel that is too vague a term. It is too 13      nebulous to be understood. I believe the only real 14      definition of community of interest that we have is 15      largely dealing with counties. And, Mr. Chairman, if 16      it would be appropriate only to get it on the record, I 17      believe that during the committee, the Joint Select 18      Committee staff was asked if there was a North Carolina 19      definition in statute of community of interest. If the 20      Chair would allow, perhaps staff could, again, answer 21      if there is a North Carolina statute that defines 22      community of interest. 23       SEN. RUCHO: Yes, thank you. And Senator 24       McKissick did ask that question. Ms. McCraw, you gave 25       us an answer the other day regarding the definition of	1       Lewis was alluding to, when the criteria were 2       established we wanted to be clear what each of the 3       goals -- stated goals were, and, therefore, we needed 4       to be sure that whatever they were we understood them 5       to be. And then any time that a future legislator or a 6       future court needed to know that we know specifically 7       what we were trying to achieve. Do you have an 8       additional follow-up? 9       SEN. MCKISSICK: Last follow-up. Were you all 10      aware that that community of interest term had been 11      used specifically in litigation relating to the 12th 12      District previously and was found to be a valid 13      criteria? 14       REP. LEWIS: Mr. Chairman. 15       SEN. RUCHO: Yes, sir, Representative Lewis. 16       REP. LEWIS: I would just have to state for the 17      record that I was not aware of that. I am not an 18      attorney and -- so, no, sir. I can only speak for 19      myself. I was not personally aware of that. 20       SEN. RUCHO: I guess, Representative -- excuse 21      me, Senator McKissick, looking at that map along the 22      wall and its transition over the time, it is going to 23      be hard-pressed for anybody to explain what community 24      of interest on that map is and specifically on the CD 25      12. So, the reality is that is why one of the criteria
27	29
1       community of interest and it is? 2       MS. MCCRAW: Yes, Kara McCraw, Legislative 3       Analysis Division. At this time, North Carolina has 4       not defined the term communities of interest in 5       statute. 6       SEN. RUCHO: Okay. 7       SEN. MCKISSICK: Could I ask one follow-up? 8       SEN. RUCHO: Follow-up question. 9       SEN. MCKISSICK: Maybe she could also identify 10      this. Are you familiar with United States Supreme 11      Court cases which identify and use that term community 12      of interest within this particular context? 13       SEN. RUCHO: Do you have an answer to that 14      question? 15       MS. MCCRAW: Kara McCraw, Legislative Analysis 16      Division. The Supreme Court has used the term 17      communities of interest and has recognized it as one of 18      the neutral redistricting factors. They have not 19      defined that term. They used the language -- I believe 20      which was offered in Committee the other day, a 21      community of shared interest was the language that was 22      used by the U.S. Supreme Court. 23       SEN. MCKISSICK: Thank you for that 24      clarification. 25       SEN. RUCHO: So in reality, as Representative	1       that Representative Lewis talked about basically 2       eliminated what has been ridiculed as the snake map, or 3       whatever terminology that goes up there. 4       All right. Anybody have an additional 5       question? Seeing none -- excuse me, Senator Blue. 6       SEN. BLUE: Are you talking about questions of 7       Representative Lewis? I do have an amendment to send 8       forth. 9       SEN. RUCHO: Okay. Let's first of all make 10      sure that Senator Lewis -- excuse me, Representative 11      Lewis has finished his presentation, and anybody here 12      may be able to have asked their question of him. Okay. 13       I hope Representative Lewis will stay around 14      here for a few moments, okay? 15       Senator Robinson, you have a question? 16       SEN. ROBINSON: Yes, Mr. Chair, does that 17      include non-members of the committee in terms of asking 18      questions? 19       SEN. RUCHO: I think it would be appropriate 20      that we have non-members be able to have that chance 21      because that way they are -- if you guys get your 22      question answered now, we won't have to hear about it 23      on the Senate floor. So... 24       SEN. ROBINSON: I thought that might serve to 25      your advantage.

30	32
1 SEN. RUCHO: Got my attention with that one. 2 SEN. ROBINSON: Follow-up question then. 3 SEN. RUCHO: Yes, please go ahead. 4 SEN. ROBINSON: Representative Lewis, in terms 5 of incumbency, I know that you said that you tried to 6 allow for that. Did you try to consider that as well 7 in terms of drawing the 12th district? How did you -- 8 did you have any correlation between looking at 9 incumbency and then looking at the 12th district as 10 well? 11 REP. LEWIS: Thank you for that question, 12 Senator. We considered all of the criteria that I 13 listed at the start of my presentation. It almost 14 became a -- I don't want to say a joke, but we kind of 15 made light of the fact that you've got to consider all 16 of these criteria together. You've got to try and 17 harmonize them. One of the specific criteria was to do 18 away with the serpentine shape of the 12th. So the 19 decision was made to collapse the 12th into the 20 population center of Mecklenburg. So once that was 21 done, obviously the incumbent in the 12th -- in the 22 current 12th, doesn't live in Mecklenburg. And so when 23 we were drawing the map, we were able to create the new 24 13th district, and she does reside within that. And to 25 that extent, the incumbency was considered.	1 splits. And then do I have your permission to ask the 2 staff to give us the race stats. 3 SEN. RUCHO: Let's answer one question first. 4 Representative Lewis will share with you some 5 information that he has on the 13 splits. And then I 6 will ask staff, and be prepared, I need staff to be 7 able to give a complete analysis of the whole counties 8 in this map as compared to previous maps in complete 9 number of the VTDs that were -- let me rephrase this. 10 The counties that were split in -- the number of 11 counties split in this map, versus the enacted map 12 versus previous maps in the past, and also the number 13 of VTDs that were split, so that that will also help 14 Senator Bryant in understanding the quality of this 15 map. 16 SEN. BRYANT: Mr. Chair, I'm not questioning 17 the quality. I'm just sort of looking at details of 18 the splits -- 19 SEN. RUCHO: I understand. 20 SEN. BRYANT -- and what patterns may be there. 21 I've already -- 22 SEN. RUCHO: Just let Representative Lewis 23 present, please. 24 REP. LEWIS: Thank you, Mr. Chairman. And 25 Senator Bryant, I will be happy to -- with the Chair's
31	33

34	36	
1       SEN. RUCHO: Thank you. Members of the 2       committee, additional questions? 3       We are presently waiting for the bill draft and 4       the entire bill that's there so that we will have a 5       chance to look at that, make sure that everything is in 6       order. We just gave you the overview. Then you'll see 7       the bill which is composed of a lot of numbers as you 8       might expect. 9       So what I'll do at this point is I will 10      entertain Senator Blue's amendment and let us take a 11      look at that, and then we'll proceed forward. 12      Senator Blue, you're recognized. 13      SEN. BLUE: Thank you, Mr. Chairman. Since it 14      is to the bill, I don't know that I can do it until I 15      see where it plugs into the bill because you will 16      discuss the substance of the bill. The question that 17      Senator Bryant raised goes to the substance of the bill 18      because they have to set forth the precincts, the split 19      ones, in the bill itself. 20      SEN. RUCHO: So you want to wait at that point? 21      SEN. BLUE: But I'll send it forth whenever you 22      want me to if they -- 23      SEN. RUCHO: Well, if you submit it, and then 24      we'll have a chance to take a look at it. And I'm sure 25      there's a lot of quality there that we would like to	1       look at numbers comparing the previous enacted map 2       districts and this district, it is everyone's opinion; 3       and Representative Lewis may have an opinion; and I'll 4       have an opinion; and I'm sure Senator Ford will have an 5       opinion whether it is better, worse or what have you. 6       But that's someone that each of us can speculate on. 7       That being said, we're going to put -- we're 8       going to stand at ease for about 10-15 minutes to try 9       to get the bill in our hand and under the 10      circumstances -- so stay close so that we can keep on 11      our schedule. We've got still a bit of work ahead. So 12      we'll just stand at ease for about, let's say 15 13      minutes. 14      (The Committee stood at ease from 12:07 p.m. 15      until 12:24 p.m.) 16      SEN. RUCHO: Members, in addition to the bill, 17      you will also have a copy of the report on the split 18      counties and the split districts. 19      Members, you should have before you a copy of 20      the bill and also a report on split counties and split 21      VTDs. And we will wait just another 2 minutes because 22      I think we said we would come back...11:30, is that 23      right? 12:30? 24      All right. Members of the committee, let's get 25      back into order, and you have before you Senate Bill 2,	
35	37	
	1       review. And with that being said, you know, if you put 2       it forward then -- I'm hoping to see the bill in about 3       10-15 minutes here. 4       SEN. BLUE: Okay. I'll wait. 5       SEN. RUCHO: You want to wait? 6       SEN. BLUE: I'll wait. You're absolutely 7       right. There is a lot of quality in it. 8       SEN. RUCHO: I have no doubt. 9       SEN. BLUE: And I think you'll be so so pleased 10      with it if it comes as a surprise. 11      REP. LEWIS: Mr. Chairman. 12      SEN. RUCHO: Yes, sir, Representative Lewis. 13      REP. LEWIS: If I may, sir, and I would have to 14      ask the Senator's indulgence as it is written by hand. 15      I would like to submit for the record and also to give 16      to Senator Ford -- I believe you asked this question, 17      Senator Ford, I apologize if I got that wrong. I did a 18      quick -- staff did a quick breakdown between the 19      enacted plan and the 2016 plan using only the race for 20      Governor, it just takes a while to do. May I submit 21      that to the committee record and also give that to 22      Senator Ford in attempt to answer his question. 23      SEN. RUCHO: Yes, sir. We'll go ahead, and we 24      will submit that. That is there to answer a question 25      that -- of course, everyone understands that when you	1       which is 2016 Contingent Congressional Plan. And this 2       is the actual bill. And, Ms. Churchill, would you like 3       to enlighten us on this bill? 4       MS. CHURCHILL: Yes, sir. 5       SEN. RUCHO: Members of the committee, Ms. 6       Churchill is presenting and explaining this bill. 7       MS. CHURCHILL: Section 1 of the bill 8       overwrites subsection (a) of G.S. 163-201(a) which is 9       the current statutory provisions that set out the 13 10      U.S. House of Representatives congressional districts. 11      It overwrites that for years -- for elections beginning 12      in 2016 and every two years thereafter. 13      Beginning on page 1 line 10 through page 10 14      line 39, you will see the actual assignment of 15      geography. This is done first at the county level. So 16      if a county is whole, you will simply see the county's 17      name. If the county is not whole, you will then see 18      the county's name and then a list of VTDs. If the VTD 19      is whole, you will see just the name of the VTD. For 20      example, on page 1 line 10, you will see Durham County, 21      VTD 01. That means that VTD 01 in Durham County is 22      whole. If the VTD is split, then you will see VTD, the 23      name of the VTD, a colon and a list of census blocks 24      within that VTD that are assigned to that district. An 25      example would be on page 1 line 19 which is VTD 1509.

	38		40
1	Block(s). The census designation for the census blocks 2 is a series of numbers. I am not going to attempt to 3 read those to you. 4 Section 2 of the bill specifies that this plan 5 adopted under Section 1 of this act is effective for 6 the elections for the years 2016, 2018, and 2020 unless 7 the United States Supreme Court reverses or stays the 8 decision of the United States District Court for the 9 Middle District of North Carolina holding 10 unconstitutional G.S. 163-201(a) as it existed prior to 11 the enactment of this act. And in any such case, the 12 prior version of G.S. 163-201(a) is again effective. 13 The prior version of G.S. 163-201(a) would be the plan 14 that was adopted by the North Carolina General Assembly 15 in November of 2011. 16 Lastly, Section 3, this act is effective when 17 it becomes law. 18 SEN. RUCHO: Members of the committee, any 19 questions on that bill? Senator Blue. 20 SEN. BLUE: Thank you, Mr. Chairman. I notice 21 in some of these -- I notice in some of these districts 22 that there is more than one VTD split; am I correct in 23 making that conclusion? 24 MS. CHURCHILL: Yes, Senator Blue, you are. 25 SEN. BLUE: Why would you need to split more	1 REP. LEWIS: Well, again, sir, and I appreciate 2 you also mentioning incumbency which was one of the 3 criteria that we considered. Often times a VTD split 4 may have occurred in a county -- and I'll try to 5 refresh my memory just a moment -- may have occurred to 6 make sure that incumbency was considered but also we 7 had to equalize population within the district at-large 8 as well. Again, if there's a specific one -- and I 9 apologize, I was trying to listen to what you asked, 10 but I may have missed part of your question. 11 SEN. BLUE: Yeah, just in looking at it, I know 12 that we talked about splitting counties and splitting 13 precincts, but once you get to the -- roughly the 14 precinct of the Voting Tabulation District level you 15 don't know what the political performance is other than 16 the overall performance. You can't put it at a block 17 level, and when you split a VTD, you're going down to 18 block level where the political performance can't be 19 measured. 20 REP. LEWIS: To the best of my knowledge, 21 Senator, VTDs -- and, again, I'll be glad to look up 22 the specific ones. To the best of my knowledge, the 23 only time that a VTD was split in that manner was to 24 equalize population. 25 SEN. RUCHO: Thank you. Before we go onto the	
	39		41
1	than one VTD within a county using the criteria that 2 has been adopted since you can't tell the partisan 3 affiliation or the partisan vote within that VTD? 4 SEN. RUCHO: Representative Lewis, would you 5 respond to Senator Blue's question? 6 REP. LEWIS: Thank you, Mr. Chairman, and thank 7 you, Senator Blue. If I may, the criteria that were 8 adopted allowed for counties or VTDs to be split, of 9 course, to equalize population, which you rightly 10 pointed out, and also for political considerations. So 11 that would've been considered when it was done. If 12 there is a specific one you want me to look at, I'll be 13 glad to try and do that as well, sir. 14 SEN. RUCHO: Follow-up question. 15 SEN. BLUE: Thank you, I don't have a 16 particular one. I just -- when I noticed that there 17 were multiple VTDs split within the same district, 18 since you can't tell the political performance of the 19 voting block and the political consideration was with 20 respect to the incumbent, which would mean you still 21 wouldn't have to split but one VTD within the district 22 once you decided that you were going to split it 23 because your population would be under control. I'm 24 just trying to figure out why would you -- why would 25 you particularly split more than one?	1 next question, what I would like to do is, Ms. McCraw, 2 would you explain your analysis, the staff analysis on 3 the number of split counties and split VTDs so that 4 members would understand what this map, 2016 Contingent 5 Congressional Map, is as compared to previous maps? 6 MS. MCCRAW: Yes, Senator Ruch. Kara McCraw, 7 Legislative Analysis Division. You do have a table in 8 front of you that says "Comparison of Split Counties 9 and Split VTDs in Congressional Plans." This compiles 10 into a table starting with the '92 Congressional Plan, 11 the three in the '90s, the 2001 Congressional as well 12 as the current plan and the proposed plan. Using the 13 data that is available on the NCGA redistricting 14 archives, if you go to each of those plans, there are 15 reports that are on the General Assembly website that 16 show the counties that are split between districts. 17 And then beginning in the 2000 decade precincts or VTDs 18 that are split, that information is not available for 19 the '90s. So you can see in that the '92 20 Congressional Plan had 44 counties split; the '97 had 21 22; the '98, 21; then in 2001, the Congressional Plan 22 had 28; the 2011 had 40; and the proposed plan has 13. 23 The VTD split, we only have that data back 24 through the last decade. In 2001 that was run as 25 precinct splits and that was 22 at that time; 2011 had	

42	44
43	45

1 68; and the current plan has 12.

2 SEN. RUCHO: Any questions on that particular

3 information, members? You can see that this map is --

4 has 87 whole counties, and it has only 12 VTD splits.

5 Senator Blue.

6 SEN. BLUE: The point I was getting to -- and I

7 appreciate the reduction in the numbers, you couldn't

8 split precincts in the '90s anyhow except for very

9 limited purposes. But anyhow, what I was trying to

10 see, once a decision was made to split a precinct is

11 what was the criteria used to assign blocks to one

12 district as opposed to another district? And if, in

13 fact, population was the reason, then you would just

14 simply split the precinct and import however many VTDs

15 you needed to and then just send the blocks

16 appropriately to fill in in the particular districts it

17 would seem to me.

18 SEN. RUCHO: Representative Lewis.

19 REP. LEWIS: Again, Senator Blue, to the best

20 of my recollection, the reason a VTD would've been

21 split in that manner would've been for population

22 equalization. And I would go only one step further,

23 you know, sometimes even when you use whole precincts

24 or whole VTDs these things could be 100 years old.

25 Sometimes they look weird. And I remember that there

1 correct.

2 SEN. RUCHO: Okay. I have got -- well, I had

3 Senator Woodard first.

4 SEN. WOODARD: Thank you, Mr. Chair. Question,

5 I think for staff, or maybe you can answer it, Mr.

6 Chair, or either of the Chairs. Do the VTD numbers

7 correspond with -- are they supposed to correspond with

8 the precinct number in that county?

9 REP. LEWIS: Mr. Chairman, I can probably

10 answer that.

11 SEN. RUCHO: Yes.

12 REP. LEWIS: But staff would probably do a more

13 concise job. If they don't, I'll be glad to speak to

14 it.

15 SEN. RUCHO: Did you hear the question? Ms.

16 McCraw.

17 MS. MCCRAW: Kara McCraw, Legislative Analysis

18 Division. So, in 2007, the General Assembly enacted

19 legislation that required counties to freeze their

20 precincts as Voting Tabulation Districts that would

21 then be used through the census process. That statute

22 requires counties going forward to be able to report

23 election information in the form of that frozen VTD.

24 Counties aren't prohibited from changing precincts

25 going forward, but they do have to be able to still

1 may have been times when we had to split a precinct and

2 we might have tried to make the line look as neat as we

3 can, that might be one of the reasons that it was done

4 the way that it was done.

5 SEN. RUCHO: Okay. Senator Hise.

6 SEN. HISE: This is a question of

7 Representative Lewis, and I think this may help Senator

8 Blue a little bit as well. When you have to divide a

9 VTD in a district it is -- it can only be divided then

10 into the census tract subdivisions that are out there.

11 I think they are listed by the number here; is that

12 correct?

13 REP. LEWIS: Thank you for that question,

14 Senator Hise. Let me qualify the answer by saying, to

15 the best of my knowledge, that is correct.

16 SEN. HISE: Follow-up.

17 SEN. RUCHO: Follow-up.

18 SEN. HISE: So, but then to get an equal

19 population to one person, it may be necessary to divide

20 multiple Voter Tabulation Districts because you have to

21 place census blocks in that to come within that one

22 person various, and you can't just pick a number out of

23 that VTD?

24 REP. LEWIS: Thank you for that question,

25 Senator Hise. To the best of my knowledge, that sounds

1 report election information in the form of that VTD.

2 So at this point in time, eight, nine years down the

3 road counties, precincts and VTDs may not always be

4 exactly the same, but counties are required to report

5 that information using those VTDs that were used in the

6 2010 census.

7 SEN. WOODARD: Follow-up.

8 SEN. RUCHO: Senator Woodard, follow-up.

9 SEN. WOODARD: Yes, sir. Thank you, Mr. Chair.

10 Maybe then I need to consult with staff because I think

11 I see a potential error. It may just require a

12 technical correction in one of the Durham VTDs for

13 District 4. So it is just follow-up in verifying.

14 SEN. RUCHO: How do you want to handle that?

15 SEN. WOODARD: We can handle it offline.

16 SEN. RUCHO: All right. If you'll talk with

17 Ms. Churchill on the side and make sure that -- of

18 course, we never want errors, but sometimes it happens

19 when we have numerous numbers here.

20 Okay. I've got Senator Robinson, I believe.

21 SEN. ROBINSON: Yes. Thank you, Mr. Chair.

22 Representative Lewis, in Guilford County, District 13,

23 page 9, VTD G67, which is actually a part of my

24 district. You mentioned -- and that has several blocks

25 split out. Can you tell me why those blocks are split

46	48
1 out like that? Sixty-seven, page 9, District 13. The 2 others are whole precincts in there, but that one is 3 split out considerably. 4 REP. LEWIS: I thank you for that question, 5 Senator. My only response would be to repeat what I 6 said earlier, which I believe the primary and probably 7 the overriding reason for a split VTD would be for 8 population equalization. Please understand that I do 9 not have readily available to me maps that show these 10 sub-blocks that are here, and I don't know that I can 11 give you a complete answer. 12 SEN. ROBINSON: Follow-up, Mr. Chair. 13 SEN. RUCHO: Follow-up. 14 SEN. ROBINSON: When I look at precinct 67, you 15 mentioned that race is -- you're not taking race as a 16 factor, but 92 percent of precinct 67 is African 17 American and 88 percent Democrat, so it couldn't have 18 been for another partisan -- to sway your partisan 19 piece. I don't know. I would like to know. Because 20 67 is 92 percent African American and 88 percent 21 Democrat. So I am really wondering why those blocks 22 are split out like that. 23 REP. LEWIS: Well, thank you again for that 24 question, Senator. I would respond by saying that we 25 did not consider race in the drawing of these plans, so	1 reality, is it correct that this map, the Contingent -- 2 2016 Contingent Congressional Map, will be good for 3 '16, '18, and '20 unless the Supreme Court reverses the 4 decision of the three-judge panel; is that correct? 5 MS. CHURCHILL: Reverses or stays the decision 6 of the three-judge panel. 7 SEN. RUCHO: Either reverses or stays it. 8 Okay. 9 And then at any point, even with a stay, at any 10 point in the process that they find it -- you know, 11 find the map -- the enacted map constitutional, then 12 that is the one that will become the enacted map again 13 in moving forward in the election process? 14 MS. CHURCHILL: So given the language in 15 Section 2, if the Supreme Court determines that the 16 Middle District's decision does not stand, either if 17 there is a stay or a reversal of that decision, the 18 current Rucho-Lewis Congress 3, which was the plan 19 enacted by the General Assembly in November 2011, would 20 remain the plan used for the U.S. House of 21 Representative elections in North Carolina for '16, 22 '18, or '20 depending on when that decision came from 23 the Supreme Court. 24 SEN. RUCHO: Thank you. All right. Now, I 25 guess we're ready.

50	52
1        it is time that we match our actions to our beliefs in 2        democracy. And this is a small effort to do just that. 3        There've been several ways recommended for us to handle 4        this dicey subject. This does nothing to handle it for 5        2016, but in future redistricting efforts, what it 6        would do would be to take away, at least directly from 7        the General Assembly, the power to do this and put it 8        in a staff position with the advice of an advisory 9        commission. But staff would actually follow, most 10       importantly, the provisions on page 5 of the bill which 11       sets forth -- pages 4 and 5, really which sets forth 12       the standards that would be used, but more importantly 13       I think on line 15 page 5 of the bill, it says that, 14       "No district shall be drawn for the purpose of favoring 15       a political party, incumbent legislator, or member of 16       Congress, or other person or group, or for the purpose 17       of augmenting or diluting the voting strength of a 18       language or racial minority group." And it sets forth 19       criteria that I think goes to the heart of this 20       democracy that we all profess to love and believe in. 21       If, in fact, the people that we chose to represent us 22       are going to be representative, we don't need to put 23       artificial barriers as to what that representation 24       consists of. So this would enable people without a 25       direct stake in it to draw districts based on specific	1        I will rule that amendment out of order. And 2        we have the bill before us and -- do you have anything 3        else other than -- all right. 4        This -- I'm going to -- as a member of the 5        committee and also I'm the Chair, I'm going to submit 6        an amendment to the 2016 Contingent Congressional Plan, 7        and I'm going to ask Representative Lewis to explain 8        it. 9        Representative Lewis, just give a moment for 10       everyone to receive a copy of this, and then you can 11       explain it. So, Sergeant-at-Arms, please, distribute 12       the amendment. And as you all know, the amendment that 13       is out there has to be an amendment that covers the 14       entire state because you can't just adjust one 15       district. 16       And in addition to the draft bill, which is 17       S2-AST-2[v.2], you have the amendment to Bill Number 2, 18       2016 Contingent Congressional Plan - Corrected. And 19       Representative Lewis will explain what that correction 20       is. 21       Has everybody received the bill and the pack, plus 22       the map? Is there anyone that has not received that? 23       Okay. Members, I assume everybody has that. 24       Let's ask Representative Lewis to explain the amendment 25       on Senate Bill 2 as corrected.
51	53
1        criteria and submit those to the Legislative Services 2        Offices and he or she to the General Assembly, and we 3        would vote bills up or down. That is in essence -- I 4        hadn't seen this in five years, but when I realized 5        what the process was after the session this morning, I 6        knew that I needed to get the idea out there. I would 7        ask the Chair to recognize Kara just for a minute to 8        answer any specific details that I have failed to 9        include and as to the workings of this group or the 10       advisory committee. 11       SEN. RUCHO: Before we go to answer questions 12       on it, Senator Apodaca, as Rules Chair, would you 13       explain your thoughts about this? 14       SEN. APODACA: Yes, Mr. Chairman. I think this 15       is out of order. It does not meet our guidelines that 16       we set forth. So I'm going to rule this out of order. 17       We shouldn't proceed any further with it. 18       SEN. BLUE: Mr. Chairman. 19       SEN. RUCHO: Yes? 20       SEN. BLUE: At least he is improving. The last 21       time he tabled it when I did it in 2011. 22       SEN. RUCHO: Well, I mean, it is out of the 23       scope of what the Governor sent us here for, and that 24       is handling Congressional District, specifically this 25       map. All right.	1        Representative Lewis, you have the floor. 2        REP. LEWIS: Thank you, Mr. Chairman. Members 3        of the committee, the amendment that you have before 4        you is simply to clarify the Chair's intent all along. 5        Earlier when I testified before the Committee that only 6        in the 4th district were members double-bunked, it was 7        brought to our attention that inadvertently, that may 8        have been the case in the 13th district as well. This 9        amendment will clearly define that it changes a total 10       of three precincts to make sure that Representative 11       Walker, the home in which he resides, is clearly in the 12       6th, and the home in which Representative Adams resides 13       is clearly in the 13th. This was always the Chair's 14       intent. We were advised of staff that we might have 15       gotten that wrong, so we've switched two whole and one 16       partial precinct to make sure that we didn't mess that 17       up. 18       SEN. RUCHO: Members of the committee, any 19       questions? 20       Senator Blue. 21       SEN. BLUE: And, again, because of the process, 22       I want to make sure since I've got this old map before 23       me. You're saying, Representative Lewis, that you just 24       switched precincts between District 13 and District 6? 25       REP. LEWIS: Yes, sir. That is correct.

54	56
1 SEN. BLUE: Okay. 2 SEN. RUCHO: Senator Woodard. 3 SEN. WOODARD: Mr. Chair, a question of 4 Representative Lewis. Are you saying that, in fact, in 5 the first draft, Congressman Walker was in the 13th so 6 that the maps we saw yesterday were -- did not meet 7 your intent, they were not correct? 8 REP. LEWIS: Based on being advised of that by 9 staff, yes, sir, that is correct. Our intent was not 10 accurately reflected in the map or in the earlier bill 11 draft that this committee saw. 12 SEN. RUCHO: In essence, the address that was 13 registered for one person was inaccurate, and we found 14 out that it was; and that is how it was corrected. 15 Okay. Any additional questions? 16 Senator Bryant. 17 SEN. BRYANT: Mr. Chair, just in an abundance 18 of caution, can we be told on what page and what lines 19 these changes are? Is that too complicated? 20 REP. LEWIS: Mr. Chairman, if you could 21 recognize staff for that purpose. 22 SEN. BRYANT: Yes, Thank you. 23 SEN. RUCHO: Say that again, Representative 24 Lewis. 25 Ms. Churchill will explain that. That may be a	1 the stat sheet for the 2008 results under both plans, 2 and we switched out between districts 13 and district 3 6. Under the plan that we had enacted, district 13 in 4 2008 had a 48.41 percent Democratic performance for the 5 Governor; is that correct? Comparing the two sheets, 6 13. 7 REP. LEWIS: Yes, sir, Senator Blue. I 8 apologize. I'm just trying to get to the right place. 9 My eyes had fallen on the 2012 results. I apologize. 10 I'm trying to reorient myself. 11 SEN. BLUE: So on district 6, 2008 was 12 48.15 percent Democratic performance. I'm trying to 13 see what the difference is in the performance based on 14 the criteria. I'm trying to see what difference moving 15 these two precincts makes since we adopted specific 16 criteria for doing it. And if you'll bear with me one 17 second, based on your numbers in 2008 under the old 18 map, it was 48.01 percent performance -- now that's the 19 corrected one, I'm sorry. 48.01 percent performance 20 under the corrected one, and under the old one, it was 21 48.15. So, in effect, it makes the 6th district more 22 Republican performance. 23 REP. LEWIS: Thank you for that question, and 24 thank you for you're patience in walking me through the 25 two charts, Senator. I do believe you are reading that
55	57

	58	60
1        On the amendment that has been put forward by 2        Senator Rucho and explained by Representative Lewis -- 3        Honorary Senator Lewis, he'll want to be. 4        Members of the committee, you have before you 5        an amendment on Senate Bill 2, has been explained, 6        discussed. And all in favor of adopting the amendment 7        on Senate Bill 2, we are going to do it on a roll call 8        vote. 9        Clerk, would you please go ahead through the 10      roster. 11      CLERK: Senator Rucho. 12      SEN. RUCHO: Aye. 13      CLERK: Rucho, aye. 14      Apodaca. 15      SEN. APODACA: Aye. 16      CLERK: Apodaca, aye. 17      Barefoot. 18      SEN. BAREFOOT: Aye. 19      CLERK: Barefoot, aye. 20      Blue. 21      SEN. BLUE: No. 22      CLERK: Blue, no. 23      Brown. 24      SEN. BROWN: Aye. 25      CLERK: Brown, aye.	1        SEN. SMITH: No. 2        CLERK: Smith, no. 3        Smith-Ingram. 4        Ford. 5        SEN. FORD: No. 6        CLERK: Ford, no. 7        Wade. 8        SEN. WADE: Aye. 9        CLERK: Wade, aye. 10      Wells. 11      SEN. WELLS: Aye. 12      CLERK: Wells, aye. 13      SEN. RUCHO: The motion to adopt the amendment 14      passed 12 to 5. 15      Now -- all right, any other additional 16      questions or comments regarding the bill that we have 17      before us as amended? Seeing none, Senator Apodaca. 18      SEN. APODACA: Mr. Chairman, I move that we 19      give Senate Bill 2 a favorable report as amended 20      enrolled into a PCS. 21      SEN. RUCHO: Members of the committee, you have 22      Senate Bill 2 as amended to be given a favorable report 23      enrolled into a new committee substitute and 24      unfavorable to the original bill. That is the motion 25      you have before you. Any questions?	
	59	61
1        Clark. 2        SEN. CLARK: No. 3        CLERK: Clark, no. 4        Harrington. 5        SEN. HARRINGTON: Aye. 6        CLERK: Harrington, aye. 7        Hise. 8        SEN. HISE: Aye. 9        CLERK: Hise, aye. 10      Jackson. 11      SEN. JACKSON: Aye. 12      CLERK: Jackson, aye. 13      Lee. 14      SEN. LEE: Aye. 15      CLERK: Lee, aye. 16      McKissick. 17      SEN. MCKISSICK: No. 18      CLERK: McKissick, no. 19      Randleman. 20      SEN. RANDLEMAN: Aye. 21      CLERK: Randleman, aye. 22      Sanderson. 23      SEN. SANDERSON: Aye. 24      CLERK: Sanderson, aye. 25      Smith.	1        Seeing none, would you take the roll, please? 2        CLERK: Rucho. 3        SEN. RUCHO: Aye. 4        CLERK: Rucho, aye. 5        Apodaca. 6        SEN. APODACA: Aye. 7        CLERK: Apodaca, aye. 8        Barefoot. 9        SEN. BAREFOOT: Aye. 10      CLERK: Barefoot, aye. 11      Blue. 12      SEN. BLUE: No. 13      CLERK: Blue, no. 14      Brown. 15      SEN. BROWN: Aye. 16      CLERK: Brown, aye. 17      Clark. 18      SEN. CLARK: No. 19      CLERK: Clark, no. 20      Harrington. 21      SEN. HARRINGTON: Aye. 22      CLERK: Harrington, aye. 23      Hise. 24      SEN. HISE: Aye. 25      CLERK: Hise, aye.	

1                   Jackson. 2                   SEN. JACKSON: Aye. 3                   CLERK: Jackson, aye. 4                   Lee. 5                   SEN. LEE: Aye. 6                   CLERK: Lee, aye. 7                   McKissick. 8                   SEN. MCKISSICK: No. 9                   CLERK: McKissick, no. 10                  Randleman. 11                  SEN. RANDLEMAN: Aye. 12                  CLERK: Randleman, aye. 13                  Sanderson. 14                  SEN. SANDERSON: Aye. 15                  CLERK: Sanderson, aye. 16                  Smith. 17                  SEN. SMITH: No. 18                  CLERK: Smith, no. 19                  Smith-Ingram. 20                  Waddell -- sorry, Ford. 21                  SEN. FORD: No. 22                  CLERK: Ford, no. 23                  Wade. 24                  SEN. WADE: Aye. 25                  CLERK: Wade, aye.	62  STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATE I, Rachel L. Hammond, a Notary Public in and for the State of North Carolina duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that on February 18, 2016, this hearing was held before me at the time and place aforesaid, that all parties were present as represented, and that the record as set forth in the preceding 63 pages represents a true and accurate transcript of the proceedings to the best of my ability and understanding. IN WITNESS WHEREOF, I have hereto set my hand, this the 25th day of February, 2016.  _____ Notary Public  Rachel L. Hammond Notary Number 201126500152
1                  Wells. 2                  SEN. WELLS: Aye. 3                  CLERK: Wells, aye. 4                  SEN. RUCHO: Members of the committee, the 5                  motion from Senator Apodaca to adopt Senate Bill 2 as 6                  amended enrolled into a new PCS and unfavorable to the 7                  original bill passed 12 to 5. 8                  Members of the committee, that concludes our 9                  business, and we will be -- I'm sure it will be going 10                 to the floor. So I assume we have through -- I think 11                 2:00 was the starting time for the session, just for 12                 you're information. And that concludes this meeting, 13                 and thank you for you're attention. 14                 (THE PROCEEDINGS IN THIS MATTER CONCLUDED AT 1:05 P.M.) 15 16 17 18 19 20 21 22 23 24 25	63